

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 5, 8, 10 and 11 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 1, 5, and 8 have been amended and claim 3 has been cancelled.

In the office action mailed September 25, 2003, the Examiner objected to the drawings as not showing an intermediate part presented in claim 3 in addition to an arm presented in claim 1. This objection is now moot in view of the cancellation of claim 3. The claims no longer call for an intermediate part in addition to an arm. Thus, no drawing correction is needed.

Further, in said office action, claims 1 - 5, 8, and 10 - 11 were rejected under 35 U.S.C. 112, first paragraph. With respect to claim 1, the Examiner's attention is directed to the embodiment of FIGS. 6 and 7 where there is shown an arm 80 and a rail (86) attached to the seat (20) in which an end of the arm slides. The operation of this embodiment of the chair of the present invention is fully described on pages 9 and 10 of the specification. With respect to claims 3 and 5, claim 3 has been cancelled and claim 5 has been amended to delete the reference to an intermediate part. It is submitted that the specification provides a full description of the elements set forth in claim 1, 3, and 5. It is submitted that this rejection is now moot in view of the amendments to the claims.

Further in said office action, claim 5 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. It is submitted that this rejection is now moot in view of the amendments to claims 1 and 5.

Still further, claims 1, 3, - 4, 8 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,594,037 to Sherman in view of U.S. Patent No. 1,231,129 to Cluff. This rejection is traversed by the following comments.

The Sherman patent describes a chair with a seat (20) that folds down about a fixed horizontal axle (24) and an underframe (10). The seat (20) comprises a first part projecting forwards with respect to the horizontal axle (24), and a second part projecting toward the underframe (10). The underframe (10) contains a gas strut (94) one end of which is fixed to the underframe (10) and the other end of which is fixed to the second part of the seat (20). The horizontal axle (24) is carried by an arm (28). The chair does not have the claimed rail and the claimed arm having an end which slides in the rail.

The Cluff patent describes a chair with a seat that folds down about a fixed horizontal axle (11) and an arm (29) which is free to rotate about a first of its end which is fixed to the underframe and another end of the arm is mounted so that it can slide in a rail secured to the seat. This chair however does not contain a strut and the arm does not carry a horizontal axle about which the seat folds down.

As noted above, the Sherman patent does not describe an arm wherein one end is mounted so that it can slide in a rail secured to the seat. The technical problem solved by the rail is to stop the movement of the seat in its opened position and its closed position. One skilled in the art would not be motivated to combine the references in the manner suggested by the Examiner because the seat described in Sherman comprises a slide (44, 86) which moves vertically in a slide guide (36, 88) and which permits to solve this problem. Furthermore, incorporating a rail into the seat described in Sherman and guiding the end (78) of the arm (80) does not permit to realize a seat that is

against the backrest when the seat is in closed position. Indeed, the Sherman patent describes a backrest articulated onto the arm and the kinematics of the seat does not permit to move the horizontal axle (78) in a rail. For these reasons, claim 1 is allowable.

Claims 4, 8 and 10 are allowable for the same reasons as claim 1 as well as on their own accord.

With regard to the obviousness rejections of claims 2, 5, and 11, the Vander Stel et al. and Betherum references do not cure the aforementioned deficiencies of Sherman and Cluff. Thus, claims 2, 5, and 11 are allowable for the same reasons that claim 1 is allowable as well as on their own accord.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

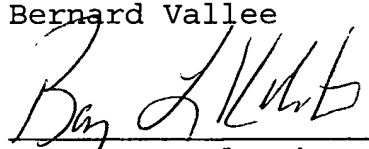
Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

Bernard Vallee

By


Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
Reg. No. 29,999
Attorney for Applicant
Telephone: (203) 777-6628 ext. 112
Telefax: (203) 865-0297

Date: January 26, 2006

Email: docket@bachlap.com

I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 26, 2006.

